FARAD CONTINUATION SHEET NO
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

LETTERS PATENT APPEAL NO.222 OF 2000
AGAINST F.A.NO.1132 OF 1984

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	**Court's or Judge's orders**

Mr. G.S.Godbole for the Appellant.

Ms. K.C. Nichani for the Respondent.

CORAM : V.C. DAGA &
R.S. MOHITE, JJ.
DATED : 24.9.2004.
.....

P.C.

1. During the course of the last hearing Mr. Godbole had sought time to seek instructions to withdraw the L.P.A. with liberty to file writ petition to challenge the Judgment, order and decree passed in Civil Suit No.4072 of 1980 by the Bombay City Civil Court, Bombay. Time was granted and the matter was ordered to be placed on today's board and that is why today the matter came before us. Mr. Godbole filed an affidavit of his client stating that the appellants seek permission to withdraw this L.P.A. with

liberty to file writ petition in this court against the impugned Judgment, order and decree. The learned counsel Ms. Nichani appearing for the respondent submits that the respondent shall have no objection provided all the rival contentions are kept open with regard to all legal and factual challenges. Mr. Godbole has no objection for passing necessary order in this behalf. Considering the rival submissions made, we permit the appellants to withdraw this L.P.A. with liberty to file writ petition or any other proceeding as may be permissible under law keeping all rival contentions open. Appeal accordingly stands disposed of as withdrawn with liberty as prayed for.

2. All concerned to act on the copy of this order duly authenticated by the Sheristedar of this Court.

(R.S.MOHITE,J.) **(V.C.DAGA,J.)**